

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39 E) for Authority to Increase Revenue
Requirements to Recover the Costs to Replace
Steam Generators in Units 1 and 2 of the Diablo
Canyon Power Plant.

Application 04-01-009
(Filed January 9, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION TO STRIKE**

On August 12, 2004, Pacific Gas and Electric Company (PG&E) filed a motion to strike the testimony of Christopher J. Mayer on behalf of the Modesto Irrigation District. The testimony requests that the Commission exclude municipal departing load customers who have already departed PG&E's distribution service, or who depart prior to successful commercial operation of the first set of replacement steam generators, from liability for any increased nuclear decommissioning revenue requirements attributable to either replacement or attempted replacement of the steam generators and any related extension of Diablo Canyon Power Plant operations facilitated by replacement of the steam generators. Nuclear decommissioning cost revenue requirements, and the allocation to rates thereof, are not within the scope of this proceeding.

Therefore, **IT IS RULED** that the motion of Pacific Gas and Electric Company, filed on August 12, 2004, to strike the testimony of Christopher J. Mayer on behalf of the Modesto Irrigation District is granted.

Dated September 2, 2004, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL

Jeffrey P. O'Donnell

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to Strike on all parties of record in this proceeding or their attorneys of record.

Dated September 2, 2004, at San Francisco, California.

/s/ FANNIE SID
Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.